



GREENBLUM & BERNSTEIN, P.L.C.
Intellectual Property Causes
1950 Roland Clarke Place
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Attorney Docket No. P21676

In re application of : Sung MOON et al.

Serial No. : 09/986,507

Filed : November 9, 2001

For : THREE DIMENSIONAL CONICAL HORN ANTENNA COUPLED IMAGE DETECTOR
AND THE MANUFACTURING METHOD THEREOF**Mail Stop Non-Fee**

Group Art Unit : 2878

Examiner : David Meyer

Mail Stop Non-Fee

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is a Response to Election/Restriction Requirement with Traverse in the above-captioned application.

☒ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.☐ An Information Disclosure Statement, PTO Form 1449, and references cited.☒ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 8	*20	0	x 9=	\$0.00	x 18=	\$
Indep. Claims: 2	**3	0	x 42=	\$0.00	x 84=	\$
Multiple Dependent Claims Presented			+140=	\$0.00	+280=	\$
Extension Fees for Month				\$0.00		\$
Total:				\$0.00	Total:	\$

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*If less than 20, write 20

**If less than 3, write 3

☐ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.☐ A Check in the amount of \$_____ to cover the filing/extension fee is included.☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.☒ Any additional filing fees required under 37 C.F.R. 1.16.☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136)(a)(3).

Bruce H. Bernstein
Bruce H. Bernstein
Reg. No. 29,027

Willen
No 33630

P21676.A04



6/Election
5-18-03
AB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Sung MOON et al.

Group Art Unit: 2878

Appln. No. : 09/986,507

Examiner: Unknown

Filed : November 9, 2001

For : THREE DIMENSIONAL CONICAL HORN ANTENNA COUPLED
IMAGE DETECTOR AND THE MANUFACTURING METHOD
THEREOF

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT
WITH TRAVERSE**

Assistant Commissioner of Patents
Washington, DC 20231

Sir :

In response to the Official Action of March 25, 2003, in which three-month shortened statutory period for response was set to expire on June 25, 2003, Applicants hereby elect Group I (claims 1 - 2), with traverse.

Applicants respectfully request that each of the groups be examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. 803. That is, the Examiner is respectfully requested to reconsider his requirement and find that there would not appear to be a "serious burden" on the Office in also examining the claims directed toward the non-elected group, which would otherwise be withdrawn from the consideration if the restriction requirement is maintained.

In M.P.E.P. Chapter 800, the Office sets forth its policy by which Examiners are guided in requiring restriction under 35 U.S.C.121. In Chapter 803 it is stated that "[i]f

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the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit, that in spite of the Examiner's restriction, the non-elected claims should be examined in the instant application for the following reasons. It would appear that the search for the inventions identified by the Examiner would be coextensive, or at least significantly overlap. That is, if the Examiner would perform a search for the elected group I comprising claims 1-2, there would not appear to be a serious burden in continuing the examination of the other group II, especially since all claims are related to the technology of a three dimensional conical horn antenna coupled image detector.

Because the search of the identified groups would be substantially coextensive, there would be no *serious* burden on the Examiner to examine all the claims of the present application. For this reason, and consistent with the office policy as set forth in M.P.E.P. 803, Applicants respectfully request that the Examiner reconsider and withdraw the election requirement.

For the foregoing reasons, the restriction requirement in this application is believed to be improper and it is respectfully submitted that it be reconsidered and withdrawn.

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Should there be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Sung MOON et al.


Bruce H. Bernstein
Reg. No. 29,027

May 19, 2003
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